DSPLA No. 32 of 2007
WITH
Delay Condonation Application
WITH
DGA No. 56 of 2007

Hon'ble Prafulla C. Pant, J.

Heard learned Additional Government Advocate on delay condonation application.

This appeal is filed with delay condonation application.

There is delay of eight days in filing the appeal, which is sufficiently explained in the affidavit filed by Vijay Chandra Singh Gusain.

Delay condonation application is allowed. Delay is condoned.

Also heard on leave to appeal.

The State has filed this appeal under Section 378 of Code of Criminal Procedure, 1973, against the order of acquittal, recorded by the trial court (IIIrd Fast Track Court/ Additional Sessions Judge, Haridwar), in Sessions Trial No. 199 of 1999. It appears that two versions were reported of the incident in question with the police. One of it was registered as Crime No. 153 of 1998 and another cross versions as 153 A of 1998, with P.S. Laksar, District Haridwar. Both the sessions trial were consolidated and accused were tried together. After recording the evidence, the trial court in Sessions Trial No. 198 of 1999, accused Shiv Kumar, Janardan and Sonu were found guilty under Sections 323/34, 308 and 325 of I.P.C. and each one of them is sentenced under Section 323/34 of I.P.C. to rigorous imprisonment for one year and to pay fine of Rs.1000/-, under Section 308 of I.P.C. rigorous imprisonment for seven years and also to pay fine of Rs.5000/- and under Section 325 of I.P.C. to rigorous imprisonment for five years and also to pay fine of Rs.4000/-. In Sessions Trial No. 199 of 1999 only Babu Ram was found guilty for offence punishable under Section 323 of I.P.C. and was sentenced to rigorous imprisonment for a period of one year and to pay fine of Rs.1000/-. However no other charge is proved against him nor any charge is proved as against Pankaj and Vipin.

Having gone through the entire impugned judgment, this Court does not find any error of law or that of fact committed by the trial court in appreciating the evidence.

Therefore, leave to appeal is refused.

The appeal stands dismissed.

(P.C.P., J.)

Dt. 31.8.2007
NS